

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	19Cr0193 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
RICHARD CASTRO,	:	
	:	
Defendant.	:	
-----X	:	

DENISE COTE, District Judge:

On July 25, 2019, the defendant pled guilty to Counts One and Three of the Indictment. He is in custody. Sentencing was originally set for October 25, 2019. On October 11, 2019, the Court granted the parties' request to adjourn the sentence.

On April 9, 2020, the sentence was set for June 4. On May 18, counsel for the defendant filed an unopposed motion seeking to adjourn the June 4 sentencing date "for several months" because of the COVID-19 pandemic. In response, an Order of May 22 adjourned the sentence to July 16. In light of the uncertainty as to when in-court proceedings would be able to resume in this district on account of the COVID-19 pandemic, the May 22 Order also requested defense counsel to inform the Court whether the defendant would waive his right to appear in court and to proceed to be sentenced through a videoconference in the event an in-person sentencing was not possible.

On May 27, defense counsel notified the Court that the defendant did not consent to be sentenced through a videoconference. Defense counsel, Mark O'Brien., Esq., who resides in Florida, also informed the Court that Mr. O'Brien would attend the in-person sentencing. An Order of June 5 confirmed that the July 16 sentencing would occur in court.

On June 30, Mr. O'Brien filed a letter with the Court requesting a third adjournment of the defendant's sentencing -- this time from July 16 to sometime this fall or until Mr. O'Brien feels "safe and secure" in traveling to New York to be present for the sentencing. Because Mr. O'Brien resides in Tampa, Florida, he is currently required to undergo a fourteen-day period of self-isolation pursuant to New York State Executive Order No. 205, which is intended to reduce the spread of COVID-19. Moreover, he and his family have particular vulnerabilities that require him to be very cautious during this pandemic.


Accordingly, it is hereby

ORDERED that the defendant's July 16 sentencing is adjourned to Thursday, **October 1, 2020** at **11:00 a.m.**, so long as New York State's quarantine of Florida residents is no longer in force as of two days before that date.

IT IS FURTHER ORDERED that, should Mr. O'Brien still prefer not to travel to New York to be present for his client's

sentence, Mr. O'Brien will be permitted to participate in the sentencing proceeding by telephone. New York attorney Peter Enrique Quijano, Esq., who is co-counsel for the defendant, or any other attorney the defendant wishes to be present in connection with the defendant's sentencing, may also participate in the sentencing.

Dated: New York, New York  
July 2, 2020

  
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DENISE COTE  
United States District Judge